

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANNE CAMERON CAIN, et al.,

Plaintiffs,

v.

TWITTER INC.,

Defendant.

Case No.17-cv-02506-JD

ORDER DISMISSING CASE

Re: Dkt. No. 89

On September 24, 2018, the Court dismissed without prejudice plaintiffs' federal claims for failure to state a claim, and declined to exercise supplemental jurisdiction over their state law claims. Dkt. No. 89. The Court gave plaintiffs until October 15, 2018 to file an amended complaint and advised them that failure to amend by that date would "result in dismissal under Rule 41(b)." *Id.* As of the date of this order, the Court has not received an amended complaint.

The Court has considered the five factors set forth in *Malone v. United States Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987). The Court finds that notwithstanding the public policy favoring the disposition of actions on their merits, the Court's need to manage its docket and the public interest in the expeditious resolution of the litigation require dismissal of this action. There is no appropriate less drastic sanction in light of plaintiffs' failure to amend their complaint in a timely manner. This action is dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(b) for plaintiffs' failure to prosecute.

IT IS SO ORDERED.

Dated: October 22, 2018



JAMES DONATO
United States District Judge